

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BRENDA M JOHNSON,

Plaintiff,

v.

UNITED STATES, DEPARTMENT
OF SOCIAL HEALTH,
DEPARTMENT OF CHILD
SUPPORT, CITY OF TACOMA,
OAH,

Defendants.

CASE NO. C21-5242 MJP

ORDER DECLINING TO SERVE
COMPLAINT AND GRANTING
LEAVE TO AMEND

Plaintiff has filed an amended civil complaint with this Court in attempt to address the Court's Order declining to serve her initial complaint. (Dkt. No. 7.) The Court, having reviewed the amended complaint and record, does hereby find and ORDER that the amended complaint is defective for the following reasons:

(1) Rule 8(a) of the Federal Rules of Civil Procedure provide that

A pleading that states a claim for relief must contain: (1) a short and plain statement of the grounds for the court's jurisdiction, unless the court already has jurisdiction and the claim needs no new jurisdictional support; (2) a short and plain statement of the claim

1 showing that the pleader is entitled to relief; and (3) a demand for the relief sought, which
2 may include relief in the alternative or different types of relief.

3 Fed. R. Civ. P. 8(a).

4 Plaintiff's amended complaint still does not comply with any of the requirements set
5 forth in Rule 8(a). The amended complaint does not set forth a plain statement of the factual
6 allegations, the basis for the Court's jurisdiction, or the reasons Plaintiff is entitled to relief. If
7 Plaintiff wishes to proceed with this action, she must specifically identify the basis for this
8 Court's jurisdiction. In addition, she must provide the Court with a clear statement of the factual
9 allegations relevant to her claim, and she must provide a clear and concise demand for relief.

10 (2) Plaintiff may file a second amended complaint curing the above-mentioned
11 deficiencies within thirty days of the date on which this Order is signed. The second amended
12 complaint must be legible and must be sufficiently clear to produce a readable scanned image. In
13 addition, the amended complaint must carry the same case number as this one. If no amended
14 complaint is timely filed, the Court will recommend that this matter be dismissed under 28
15 U.S.C. § 1915(e)(2)(B)(ii). If the second amended complaint does not cure the deficiencies
16 identified in this Order, the Court will dismiss this matter with prejudice.

17 Plaintiff is advised that an amended pleading operates as a complete substitute for an
18 original pleading. See Ferdik v. Bonzelet, 963 F.2d 1258, 1262 (9th Cir. 1992) (citing Hal Roach
19 Studies, Inc. v. Richard Feiner & Co., Inc., 896 F.2d 1552, 1546 (9th Cir. 1990) (as amended),
20 cert. denied, 506 U.S.915 (1992)). Thus, if Plaintiff chooses to file a second amended complaint,
21 the Court will not consider her amended complaint.

22 (3) The Clerk is directed to send Plaintiff the appropriate forms so that she may file a
23 second amended complaint. The Clerk is further directed to send copies of this Order, and of the
24 Pro Se Instruction Sheet, to Plaintiff.

1 Separately, the Court notes that Plaintiff has corrected the deficiencies previously noted
2 as to her application to proceed in forma pauperis (IFP). (Compare Dkt. No. 2 to Dkt. No. 9.)
3 The Court therefore GRANTS Plaintiff's Motion to Proceed IFP. But Plaintiff must still cure the
4 deficiencies in her amended complaint in order for this matter to proceed.

5 The Clerk is directed to send copies of this Order and the Pro Se Instruction Sheet to
6 Plaintiff.

7 Dated August 3, 2021.

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9 Marsha J. Pechman
10 United States Senior District Judge
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